HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.35885 of 1997

Date: 29-03-2007.

Between :

K.Bhanukoteswara Rao.

.....Petitioner

And

A.P.S.E.B., Hyderabad, rep. by its Member Secretary & others.

.....Respondents.

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WRIT PETITION No.35885 of 1997

ORDER :

This writ petition is filed seeking a Mandamus declaring that the exercise of disciplinary jurisdiction by the 1st respondent and imposition of punishment of stoppage of 2 increments with cumulative effect on the petitioner vide proceedings in Memo No.DP/DM-S.II/435/M1/87-26, dated 23.08.1990, is arbitrary, without jurisdiction and violative of principles of natural justice and consequentially direct the respondents to allow all service benefits to the petitioner to which he would have been entitled but for the said order of punishment including arrears of wages and grant such other relief as the Court deems fit and proper in the circumstances of the case.

The impugned order was passed on 23.08.1990 imposing the punishment of stoppage of two increments with cumulative effect for the misconduct proved against the petitioner. However, the writ petition was preferred in the year 1997. There was no interim order.

I have looked into the impugned proceedings and the charge was very serious. The Member Secretary, after careful examination of the explanation of the accused officer, observed that the reported review of pattern of consumption made by him was by taking into consideration the readings of 02-4-85 and 25-3-86. The reading of 02-4-85 has been taken into account as is furnished i.e. 27438 without raising a doubt as to the application of MF.10. However, the reading 5662 of 30-4-85 has been forgotten for the purpose of review. If the reviews were to have been made with this reading, he could have known that the service is having an average consumption of more than 11000 units per month and not 5000 or 6000 units as justified by him. This charge has been proved abundantly on the basis of the evidence on record. Therefore, I am of the opinion that imposing such a punishment of stoppage of two increments with cumulative effect cannot be said to be either arbitrary or illegal and no interference could be made by this Court at this length of time. Apart from this, the petitioner, on attaining the age of super-annuation, has retired from service.

The writ petition is devoid of merits, which is liable to be dismissed and is accordingly dismissed. No order as to costs.

C.V.RAMULU, J

29th March 2007

ajr